



PATENT
09/939,445

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2672
Joshua Dickinson Kraft : Examiner Fouladi Semnani
Serial No: 09/939,445 :
Filed: 08/27/01 :
Title: COMPUTER CONTROLLED :
INTERACTIVE TOUCH DISPLAY PAD :
WITH TRANSPARENT FULL :
CHARACTER KEYBOARD OVERLAYING :
DISPLAYED TEXT AND GRAPHICS :
Date: 12/20/04 :

CERTIFICATE OF MAILING

I hereby certify that this correspondence including a Brief on Appeal (in triplicate) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on 12/20/04.

J. B. KEAT

J. B. Kraft 12/20/04
Signature Date

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 CFR 1.192(a)
AND REQUEST FOR ONE MONTH EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

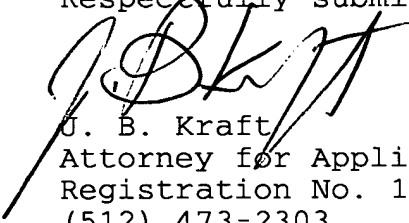
Attached is Appellants' Brief (in triplicate) in this Appeal from a decision of the Examiner dated April 19, 2004 finally rejecting claims 1, 2, 4-9, and 11-14.

PATENT
09/939,445

Applicant respectfully requests a one month extension of time within which to file this Brief on Appeal.

Enclosed is a check for \$215 to cover the Appeal Brief fee and the fee for the one month extension of time.

Respectfully submitted



J. B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

Please address correspondence to J. B. Kraft
710 Colorado St., Suite 5C, Austin TX. 78701



PATENT
09/939,445

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2672
Joshua Dickinson Kraft : Examiner Fouladi Semnani
Serial No: 09/939,445 :
Filed: 08/27/01 :
Title: COMPUTER CONTROLLED :
INTERACTIVE TOUCH DISPLAY PAD :
WITH TRANSPARENT FULL :
CHARACTER KEYBOARD OVERLAYING :
DISPLAYED TEXT AND GRAPHICS :
Date: 12/20/04 :

BRIEF ON APPEAL

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal from the Final Rejection of Claims 1
-2, 4-9, and 11-14 of this Application. Appendix VIII
containing a copy of each of the Claims is attached.

I. Real Party in Interest

The real party in interest is Joshua D. Kraft,
applicant of the present Application.

II. Related Appeals and Interferences

None

III. Status of Claims

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are 12 claims in this Application.

JDK003

1

12/29/2004 RMEBRAFT 00000063 09939445
01 FC:2251 60.00 OP
02 FC:1999 155.00 OP

B. STATUS OF ALL THE CLAIMS

1. Claims cancelled: 3, and 10.
2. Claims withdrawn from consideration but not cancelled: None.
3. Claims pending: None.
4. Claims allowed: None.
5. Claims rejected: 1-2, 4-9, and 11-14.

C. CLAIMS ON APPEAL

Claims on appeal: 1-2, 4-9, and 11-14.

IV Status of Amendments

No amendments have been filed after Final Rejection.

V. Summary of Claimed Invention

The present invention provides a touch sensitive display pad which may effectively used by students taking notes as well as any one keeping a touch sensitive display pad notebook which permits annotations to be entered either through a transparent touch sensitive displayed touch keyboard or by doing cursive drawing entries on the display pad using an instrument such as a stylus. In the practice of the invention, when the cursive drawing input is activated, the touch keyboard is inactivated, and when the transparent touch keyboard is activated, th cursive stylus input is inactivated.

VI. Grounds of Rejection

Claims 1-2, 4-9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobbley et al. (US6,501,464).

VII. Argument

Applicants submit that claims 1-2, 4-9, and 11-14 are unobvious over Cobbley et al., and thus are patentable under 35 U.S.C. 103(a). The claims on Appeal read on the embodiment illustrated by Figs. 4, and 5 wherein drawing on the touch screen via stylus 51 may be alternated with text entries via transparent keyboard 50 whereby one of the two functions is dynamically inactivated while the other is active.

While the Cobbley reference does disclose an activatable transparent keyboard, it does not suggest the entry of any form of cursive drawing via a stylus or some other drawing instrument. The Examiner points to column 2 of Cobbley which mentions superimposing the transparent keyboard on a graphical user interface which contains text

and graphics. However, the graphics which Cobbley appears to be overlying with his keyboard is the conventional graphics which the graphical user interface application vendor puts into the interface, e.g. the graphics of the operating system, and not what a user may be entering via a stylus. Thus, there is no suggestion in Cobbley of selectively alternating the transparent keyboard with some form of touch drawing wherein only one or the other is selectively enabled.

Response to Examiner's Arguments:

The Examiner admits, on page 4 of the final rejection, that "Cobbley does not explicitly disclose 'means responsive to cursive drawing touch input for displaying such drawing on said display screen'. However, the Examiner argues that since Cobbley discloses that the display device may be a personal digital assistant, there is an implied teaching of a stylus because it is known that personal digital assistants use a stylus for data entry. Applicants submit that the mere mention of personal digital assistants without anything more would not be suggestive of alternative entry of either drawing on the touch screen via a stylus or entry of via a transparent keyboard whereby one of the two functions is dynamically inactivated while the other is active.

The Examiner, on page 6 of the final rejection, argues that the Applicant has already admitted that the entry of cursive notes via a stylus is done in the conventional manner. Just because Applicant sets forth that one element of his invention may be implemented in a conventional manner certainly is not an admission that it is not novel to use such an element in the novel combination of the invention as described above.

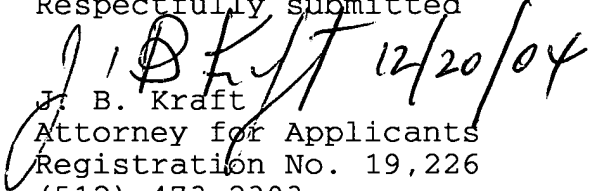
PATENT
09/939,445

VII. Conclusion

In view of the foregoing, it is submitted that claims 1-2, 4-9, and 11-14 are patentable under 35 U.S.C. 103(a) over Cobbley et al..

Therefore, it is respectfully requested that the Final Rejection of these claims be reversed, and that claims 1-2, 4-9, and 11-14 be found to be in condition for allowance.

Respectfully submitted


J. B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

Please address correspondence to J. B. Kraft
710 Colorado St., Suite 5C, Austin TX. 78701

VIII. Appendix of Claims

1 1. A portable computer controlled user interactive touch
2 responsive read/write display pad comprising:
3 a display screen displaying text and graphics;
4 a transparent touch sensitive pad covering said display
5 screen;
6 means responsive to cursive drawing touch input for
7 displaying such drawing on said display screen;
8 means for displaying a full character keyboard on said
9 display screen;
10 means responsive to touch inputs to characters on said
11 keyboard for displaying said touch keyboard inputs as text
12 entries within said displayed text and graphics; and
13 means for selectively rendering either one of said
14 means responsive to cursive drawing or said means responsive
15 to inputs to touch keyboard non-interactive, while the other
16 of said means remains interactive to thereby permit the
17 unimpeded functioning of the means remaining interactive.

1 2. The display pad of claim 1 wherein said full character
2 keyboard is superimposed upon and transparent to said
3 displayed text and graphics.

1 4. The display pad of claim 2 further including means for
2 varying the transparentness of said superimposed keyboard.

1 5. The display pad of claim 4 further including means for
2 varying the transparentness of said superimposed keyboard
3 whereby said keyboard is less transparent when said keyboard
4 is interactive and more transparent when said keyboard is
5 non-interactive.

1 6. The display pad of claim 1 further including means
2 responsive to an input to a key in said keyboard for
3 rendering interactive said means responsive to keyboard
4 inputs and for rendering non-interactive said means
5 responsive to cursive drawing.

1 7. The display pad of claim 6 further including means for
2 varying the transparentness of said superimposed keyboard
3 whereby said keyboard is less transparent when said keyboard
4 is interactive and more transparent when said keyboard is
5 non-interactive.

1 8. In a portable computer controlled user interactive touch
2 responsive read/write display pad having a display screen
3 displaying text and graphics, and a transparent touch
4 sensitive pad covering said display screen, a method for
5 making both cursive and typed modifications to said
6 displayed text and graphics comprising:
7 displaying cursive drawing on said display screen
8 responsive to cursive drawing touch input;
9 displaying a full character keyboard on said display
10 screen;
11 responsive to touch inputs to characters on said
12 keyboard, displaying such touch inputs as text entries
13 within said displayed text and graphics; and
14 selectively rendering either one of said step
15 responsive to cursive drawing or said step responsive to
16 inputs to touch keyboard non-interactive while the other of
17 said steps remains interactive to thereby permit the
18 unimpeded functioning of the step remaining interactive.

PATENT
09/939,445

1 9. The method of claim 8 wherein said full character
2 keyboard is superimposed upon and transparent to said
3 displayed text and graphics.

1 11. The method of claim 9 further including the step of
2 varying the transparenttness of said superimposed keyboard.

1 12. The method of claim 11 further including the step of
2 varying the transparenttness of said superimposed keyboard
3 whereby said keyboard is less transparent when said keyboard
4 is interactive and more transparent when said keyboard is
5 non-interactive.

1 13. The method of claim 8 further including the step
2 responsive to an input to a key in said keyboard of
3 rendering interactive said step responsive to keyboard
4 inputs and for rendering non-interactive said step
5 responsive to cursive drawing.

1 14. The method of claim 13 further including the step of
2 varying the transparenttness of said superimposed keyboard
3 whereby said keyboard is less transparent when said keyboard
4 is interactive and more transparent when said keyboard is
5 non-interactive.